



June 21, 2024

**BY ECF**

Honorable Cheryl L. Pollak  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *McCloud, Jr. v. City of New York, et al.*, 23 CV 8341 (NRM) (CLP)

Your Honor:

I represent plaintiff in the above-referenced action. I write on behalf of the parties in accordance with the Court's order dated June 6, 2024. If it should please the Court, the parties are working toward resolution of open discovery issues and, in the interest of avoiding unneeded motion practice, respectfully request additional time to confer and for defendants to comply.

As defendants reported in their prior request to adjourn the dispute filing deadline at DE #37 (which was granted by order dated June 6<sup>th</sup>), the parties have continued to confer for the purposes of narrowing and resolving the open disputes. As of this writing, plaintiff has asked defendants to produce the following categories of material by a date certain: 1) disciplinary and personnel records for the individual defendants; 2) documents related to defendant Gonzalez's travel to Japan with the victim's father; 3) a list, like the one compiled for Detective Scarcella, reflecting other cases where Gonzalez obtained confession evidence; 4) photographs of the individual defendants; 5) documents reflecting the movements, assignments and layout of the 110<sup>th</sup> Precinct during the relevant period; 6) supplemental discovery responses removing certain objections and providing substantive information; and 7) service information allowing for defendant Kempton to be joined in the action.<sup>1</sup>

Under these circumstances, the parties respectfully request that defendants be granted additional time, until July 18, 2024, to produce the information outlined above. To the extent any of the material has not been produced or there are disputes, plaintiff respectfully requests leave to file a motion to compel at that time. Thank you for your consideration of this request.

Respectfully submitted,

  
Gabriel P. Harvis

cc: Defense Counsel

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<sup>1</sup> Defendants consent to an extension of Fed. R. Civ. P. 4(m) for this purpose.